

Appl. No. 09/929,030
Response dated March 18, 2005
Reply to Office Action of November 3, 2004

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-26 remain pending.

Applicants appreciate the Examiner's allowance of claims 15, 16, 23 and 25, and the indication that dependent claims 2, 3, 5, 10, 12, 18, 19, 21 and 22 include allowable subject matter.

However, claims 1, 4, 8, 9, 10, 17, 20, 24 and 26 are now rejected under 35 U.S.C. § 102(e) as being anticipated by newly cited U.S. Patent No. 6,317,453 to Chang. In addition, dependent claims 6, 7, 13 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Chang patent in view of previously cited U.S. Patent No. 6,373,430 Beason et al. These rejections are respectfully traversed.

In particular, as discussed in more detail below, Applicants respectfully submit that none of the cited patents teach or suggest a mobile access point, for use with *a packet-switched communication network*, such that the mobile access point is adapted to transmit and receive communications signals to provide a wireless user terminal with access to the network while the mobile access point is moving. Rather, the Chang patent teaches a fixed cellular system, and techniques for allocating a set of PN codes to the base stations in the system. On the other hand, the Beason patent teaches the integration of a GPS receiver into a cell phone so that the cell phone can report its location by either displaying the location locally or using the cell phone network to allow the location to be displayed remotely.

The rejections will now be discussed individually in detail.

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The 35 U.S.C. § 102(e) Rejection Based on the Chang Patent

In this rejection, the Examiner contends that the Chang patent teaches the use of a mobile access point as recited in the rejected claims. In particular, the Examiner refers to vehicle 504 of Figure 9 and its related description beginning at column 9, line 53. The Examiner further contends that the vehicle 504 can move slowly at short distances and still maintain its microwave link. Therefore, the Examiner concludes that the vehicle 504 meets the “mobile access point” of the present invention as claimed. Applicants respectfully disagree.

Specifically, as discussed briefly above, rejected independent claims 1, 8, 24 and 26 define a mobile access point for use with *a packet-switched communication network*. Applicants respectfully submit that nowhere does the Chang patent teach or suggest that the cellular network is a packet-switched network. Applicants further respectfully submit that the Chang patent primarily teaches techniques for allocating a set of PN codes to the base stations in the fixed cellular system to thus effectively configure different frequencies over which neighboring cells can transmit. The Chang patent describes, for example, the use of a first and second set of PN codes, with the first set being used for the macro cellular network and the second set being used for an underlay network that is added to increase capacity. The implication is that the underlay network is entirely within the coverage of the overlay network. Applicants respectfully submit that this is contrary to the purpose of the mobile access points as claimed, which is to provide access points

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that are freely mobile so that they can dynamically relocate to add coverage and/or capacity as dictated by environmental or traffic constraints of a *packet switched network*.

Furthermore, concerning the Examiner's conclusion that the vehicle 504 in the Chang system will be able to maintain its link if it moves slightly, Applicant respectfully submits that this possibility, but not certainty, of an otherwise fixed *deployable* (not moving) base station to coincidentally maintain its link in very limited circumstances does not render that base station a "mobile access point" that provides a wireless user terminal with access to the network "while the access point is moving". In other words, Applicants submit that one skilled in the art would interpret the term "mobile access point," in view of the context of the present application, to be deemed "mobile" because it has this ability to maintain communication while it is freely moving, not simply because it is intended to be deployed to a fixed location and can potentially still operate within a certain tolerance level of limited incidental movement.

For all these reasons, Applicant respectfully submits that the teachings of the Chang patent do not anticipate the embodiments of the present invention even as defined in rejected independent claims 1, 8, 24 and 26. Concerning the rejected dependent, Applicants note that claims 4 and 11 relate to providing a second communication link between the user terminal and another user terminal. For this feature, the Examiner refers to the CDMA ability of the mini BTS 510. Applicants respectfully submit, however, that as demonstrated above, the mini BTS 510 is not part of a mobile access point *for use with a packet switched network* as described above and as

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recited in independent claims 1 and 8. This feature is also present in rejected independent claims 24 and 26, and thus render them further distinguishable from the Chang patent.

With regard to dependent claim 9, Applicants respectfully submit that claim 9 defines the capability of the present invention to supply substantially constant power to the transceiver of the mobile access point. For this feature, the Examiner refers to column 9, lines 54-55 of the Chang patent. However, Applicants respectfully submit that these lines of the Chang patent merely state that the antenna 506 is electrically coupled to the mini BTS 510. Applicants respectfully submit that nowhere does this or any other passage of the Chang patent teach or suggest a power supply for *supplying substantially constant power* to the transceiver. Furthermore, Applicants submit that as demonstrated above, the antenna 506 and mini BTS 510 are not part of a mobile access point *for use with a packet switched network* as described above and as recited in independent claims 1 and 8.

Concerning dependent claims 17 and 20, these claims recite that the wireless backhaul of the mobile access point includes a microwave backhaul. Applicants submit that although column 9, lines 61-63 of the Chang patent may teach the use of a microwave backhaul, the Chang patent fails to teach a mobile access point *for use with a packet switched network* as described above and as recited in independent claims 1 and 8.

For all these reasons, Applicants respectfully submit that independent claims 1 and 8, and all of their dependent claims, are allowable over the Chang patent.

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The 35 U.S.C. § 103 Rejection Based on the Chang and Beason Patents

In this rejection, the Examiner admits that the Chang patent fails to teach or suggest the location determining features as recited in dependent claims 6, 7, 13 and 14. However, for this feature, the Examiner relies on the teachings relating to the portable GPS/radio unit set forth in the Beason patent, and contends that one skilled in the art would have found it obvious to modify the base station in the Chang system to include the GPS features.

Applicants respectfully submit that as discussed above, the Beason patent has no relevance either to the Chang patent or to the present invention. Rather, the Beason patent teaches the integration of a GPS receiver into a cell phone so that the cell phone can report its location by either displaying the location locally or using the cell phone network to allow the location to be displayed remotely. The Beason patent has no relation to a system for providing increased coverage or capacity within the network, and especially has no relation to a packet switched network as recited in the claims of the present application.

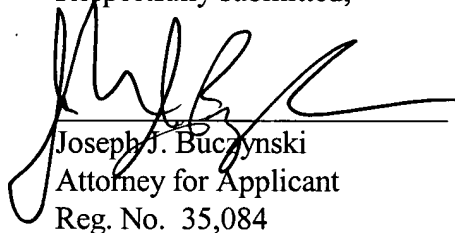
Claims 6, 7, 13 and 14 of the present application recites that the mobile access is capable of determining its location. However, Applicants submit that the GPS technology taught by the Beason patent that relates to a cell phone has no relationship to a "mobile access point" as recited in the claims of the present application, or even to the base stations as described in the Chang patent. Therefore, Applicants respectfully submit that one skilled in the art would not have been motivated to modify even the base stations taught by the Chang patent in view of the teachings of the Beason patent. However, even if such motivation did exist, the teachings of the Beason patent

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fail to make up for the deficiencies in the teaching of the Chang patent with regard to the mobile access points as discussed above. Hence, Applicants submit that rejected independent claims 1, 8, 24 and 26, and all dependent claims, should be allowable over the Chang and Beason patents.

In view of the above, it is believed that the subject application is in condition for allowance, and notice to that effect is respectfully requested. However, should the Examiner have any questions, he is invited to contact the undersigned at the number indicated below.

Respectfully submitted,



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